

ADVISOR

ENVIRONMENTAL INFORMATION FOR WISCONSIN SMALL BUSINESSES

Spring 2002

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Hammer Time

What is the MACT Hammer??

Section 112 of the Clean Air Act requires the Environmental Protection Agency to write rules regulating Hazardous Air Pollutants (HAPs). HAPs, or air toxics, are pollutants that cause or may cause cancer or other serious health conditions, adverse environmental or ecological effects.

Over a 10-year period, EPA committed to writing 188 rules to control the release of air toxics into the environment. These Maximum Achievable Control Technology rules (MACT) affect certain industries or "sources" using chemicals containing air toxics. The emission rates and control technology in the MACT rules are based on the performance rate of the top 12% of that source category.

Currently EPA has promulgated over 100 MACT rules. The deadline for EPA to come out with all of the MACT standards was November 2000. A provision in the Clean Air Act Amendments, Section 112(j), or the MACT "Hammer," comes into play if EPA lags more than 18 months behind schedule in issuing the remaining standards. On May 15, 2002, the "Hammer" will go into effect since EPA expects to miss the deadline for 33 different source categories.

MACT Rules are also called NESHAPs or National Emission Standards for Hazardous Air Pollutants

A Major Source uses more than 10 tons per year of anyone HAP or 25 tons per year of a combination of HAPs.

What Does This Mean to Wisconsin Businesses?

If you are a major source and you fit into one or more of the remaining 33 source categories, you must contact your regional DNR compliance inspector and file a MACT Hammer Part 1 Application. Then, 24 months later, you will need to file Part 2 of the MACT Hammer application.

The MACT Hammer categories are listed on page 3 of this newsletter. Visit [www.epa.gov/ttn/atw/112j/info/112\(j\)-table2.html](http://www.epa.gov/ttn/atw/112j/info/112(j)-table2.html) for a more detailed description of the affected source categories.

For more information or questions on the MACT Hammer, contact the Small Business Clean Air Assistance Program or visit EPA's website at www.epa.gov/ttn/atw/112j/112jaypg.html.

Section 112 (J) of the Clean Air Act is the Equivalent Emission Limitation by Permit - often called the MACT Hammer

New From the Small Business Clean Air Assistance Program...

✓ Check out the events section of the website for information on environmental programs

✓ Dry Cleaner Compliance Calendars 2002 - Each month shows all the required records for dry cleaners

To order:
call (608) 264-6153
or (608) 267-9214;
fax (608) 267-0436;
or email CleanAir@commerce.state.wi.us

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Keep Greater Milwaukee Beautiful

Keep Greater Milwaukee Beautiful, Inc. (KGMB) is an award-winning private, non-profit organization. Established in 1983, it has been affiliated with Keep America Beautiful since 1985. Its purpose is to educate, inform and bring together the community to solve environmental and ecological issues in order to benefit the greater community. The organization is neither a public nor governmental agency. It derives its budget from cash and in-kind donations from businesses, industry, foundations and individuals, as well as the public sector.

KGMB is committed to bringing the metropolitan community together to achieve education programs and community service. It accomplishes this through outreach to business, industry, government, educators, community groups and the general public.

KGMB's Vision:

Greater Milwaukee will be a cleaner, healthier, more beautiful community as the public and private sectors work together to improve the quality of life.

Join Keep Greater Milwaukee Beautiful, Inc. and a host of other business, industry and government professionals on Wednesday, May 22, 2002 at the Clarion Hotel & Conference Center as they go over the latest in water issues.

The keynote luncheon speaker will be former Wisconsin Governor and Wisconsin Department of Natural Resources Secretary, Tony Earl. The seminar will begin with the latest in regulatory trends with Gloria McCutcheon, WDNR, State Representative Antonio Riley and David Ullrich, from USEPA Region 5. Morning sessions and presenters will cover the following topics:

* Water Quality-Can We Use It? Mike Link, United Water, Chip Krohn, WDNR, and Kevin Shafer, MMSD

* Water Quantity-Will it Be There? Bob Biebel, SEWRPC, Dr. Tim Grundl, UW-Milwaukee, and Rebecca Francisco, Miller Brewing Company

* Quality of Life-Can We Have Our Water & Drink It Too? Jim Kohl, URS Corporation, Dr. Val Klump, The Great Lakes Institute, and Harry Farchman, CDM, Inc.

**Mark your Calendars:
KGMB's Business, Industry
and Government Seminar
May 22, 2002
5311 South Howell Ave
Clarion Hotel & Conference
Center
Milwaukee, WI**

* Development & Stormwater-What's Downstream and In Our Future? Michael Hahn, SWERPC, Jeff Kenkel, National Survey & Engineering Division, Len Roecker, R.A. Smith & Associates, and Karen

Sands, MMSD

If you participate in the seminar, you are also eligible to register for a fun and educational afternoon activity! Choose between the following:

* Half-Day Sail aboard the Denis Sullivan Schooner

* Tour of the Calatrava-designed addition to the Milwaukee Art Museum

For registration information contact:

Kristi Luzar, Program Manager
Keep Greater Milwaukee Beautiful, Inc
1313 W. Mount Vernon Ave
Milwaukee, WI 53233
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E-mail: kgmbprog@execpc.com
Visit www.execpc.com/~kgmb/

MACT Hammer Categories

(cont. from pg 1)

MACT Hammer Categories:

1. Wood Building Products
2. Plywood & Composite Wood Products
3. Reciprocating Internal Combustion Engines
4. Industrial, Commercial & Institutional Boilers & Process Heaters (see note below)
5. Combustion Turbines
6. Plastic Parts & Products
7. Asphalt Roofing & Processing
8. Engine Test Cells/Stands
9. Semiconductor Manufacturing
10. Brick, Structural Clay Products
11. Clay Ceramics Manufacturing
12. Organic Liquids Distribution (non-gasoline)
13. Miscellaneous Organic Chemical Production and Processes
14. Automobile & Light Duty Truck (surface coating)
15. Miscellaneous Metal Parts (surface coating)
16. Printing, Coating & Dyeing of Fabrics
17. Refractories Manufacturing
18. Site Remediation
19. Taconite Iron Ore Processing
20. Metal Can (surface coating)
21. Primary Magnesium Refining
22. Chlorine Production
23. Iron and Steel Foundries
24. Lime Manufacturing
25. Reinforced Plastic Composites Production
26. Flexible Polyurethane Foam Fabrication
27. Hydrochloric Acid Production
28. Friction Products Manufacturing
29. Municipal Solid Waste Landfills
30. Integrated Iron and Steel Manufacturing
31. Coke Ovens; pushing, quenching & battery stacks
32. Metal Furniture (surface coating)
33. Paper & Other Web Coating

Note: The MACT for utility boilers is on a different time frame and is not subject to the MACT hammer at this time. More info:

<http://www.epa.gov/ttn/atw/112j/112jaypg.html>

Helpful Electronic MSDS Links

With the WDNR's proposed addition and change in thresholds to the list of Hazardous Air Pollutants it is important that businesses know where to turn for help using their Material Safety Data Sheets(MSDS). MSDSs are a tool that is often recommended as a resource to determine if a facility's raw materials may create air pollution. MSDSs are provided by the materials supplier or manufacturer.

The SBCAAP has a fact sheet entitled "How to use an MSDS for Air Pollution Control Requirements" to help those sources who create and must control air pollution. The fact-sheet explains what is in a MSDS and how you might use it.

Some helpful links for facilities that want to store their MSDS electronically without purchasing expensive software:

<http://www.msdscompliance.com>

<http://www.comply1.com/msds-online.asp>

<http://www.msdsvault.com>

<http://www.3ecompany.com>

<http://www.msdonline.com/Home/>

The majority of these sites and others like these require a monthly fee. They may be a good alternative to purchasing the expensive software.

Dane County Business Opportunity Forum

*Celebrating and Promoting Business
Growth and Opportunity in Dane
County*



*May 15, 2002
8:30 - 4:00 p.m.
Madison, WI*

Alliant Energy Center An Opportunity to Advance and Grow Your Business!

Welcome Remarks from [Kathleen Falk](#) Dane County Executive

Breakfast Speaker - Banc One Chief Economist [Anthony Chan](#) presenting an economic overview

Luncheon Speaker - [Carol "Orange" Schroeder](#) from Orange Tree Imports providing a small business success story

Over 20 different educational and informational sessions throughout the day

For Registration Information Visit

www.co.dane.wi.us

(click on Business Opportunity Forum)

or call 608-273-0237

D.C. Circuit Court Uphold Clean Air Standards

The signal from the court is clear-EPA's Clean Air standards will protect Americans from the wide variety of health problems that air pollution can cause, such as respiratory illnesses and premature death. On March 26, 2002 the D.C. Circuit Court rejected all remaining challenges to EPA's 1997 protective ambient air standards for fine particles (soot) and ground-level ozone (smog). Now, EPA will move forward with programs to implement those standards and help states meet them.

The Court rejected the claim that EPA acted arbitrarily in setting the national ambient air quality standards. In a unanimous decision the three-judge panel found that EPA "engaged in reasoned decision-making" in establishing levels that protect public health and the environment.

EPA is moving ahead in partnership with state and local governments to develop programs to meet the fine particulate and ozone standards. EPA is in the process of making a final decision in response to the Court's earlier directive to consider any potential beneficial health impacts from ground-level ozone, or smog.

The Clean Air Act requires that EPA review all its air standards every five years to make sure they reflect the latest and best scientific evidence. In 1997 based on thousands of new health studies, EPA toughened the standards for smog and, for the first time, set a standard specifically for fine particles equal to or smaller than 2.5 microns in diameter. Fine particles include airborne soot from sources such as diesel trucks and power plants; smog is caused by emissions from cars, power plants, chemical plants, petroleum refineries and a variety of other sources.

EPA's new standards were challenged by the American Trucking Association, (**Cont'd page 6**)

Spring 2002

Council's Corner...

Update on Green Tier

The Small Business Environmental Council has advocated for an environmental self audit bill for Wisconsin businesses for several years. The council has been keeping a close eye on the Green Tier legislation, also known as AB479. Recently, the Wisconsin Legislature has not passed Green Tier. The provisions recommended by the Green Tier Committee were included in legislation called the Environmental Results Act (AB479) and passed the Assembly by a 97-2 vote. The legislation was not considered by the Senate before the end of the current floor period. The Assembly has included the provisions of AB479 in the Budget Adjustment Bill that is now being considered by the Senate. The provisions may be included in the final version of the Budget Adjustment Bill depending upon the decisions reached in the Senate and the actions of the Conference Committee.

What Is In The Bill?

Currently identified as the "Environmental Results Act" the proposed bill contains two sections: the Environmental Results Program and the Environmental Improvement Program. The bill contains elements that address environmental compliance audits, environmental management, providing incentives for improving environmental performance, providing immunity from civil penalties for certain violations of environmental requirements, access to certain information, granting of rule-making authority, making appropriations, and providing penalties.

The Environmental Results Act provides for two tiers of company involvement.

Tier 1:

- * Promotes environmental performance that voluntarily exceeds legal requirements related to health, safety, and the environment and results in continuous improvement to Wisconsin's

environment, economy, and quality of life.

- * Provides clear incentives that will result in true benefits to participants.

- * Promotes attention to unregulated environmental problems and provides opportunities for conservation of resources and environmental restoration to entities that are subject to environmental requirements as well as entities that are not.

- * Participating entities are also obligated to meet a number of other requirements.

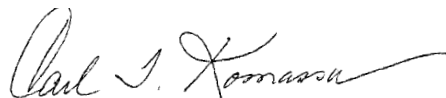
Tier II

Qualifying Tier II facilities must satisfy all requirements of Tier 1 and follow the guidelines specified in the Act under Sec 5 (b) Enforcement Record, 5 (c) Environmental Management System and 5 (d) Superior Environmental Performance.

The council applauds the efforts of those Representatives and Senators who worked so hard to affect passage of this legislation, especially Rep. Duff, Rep. Kedzie and Sen. Baumgart and their respective staffs for their perseverance in finding the common ground for an agreement to emerge between the two houses.

Although the future of the Environmental Results Act is uncertain at this moment, it is the hope of the Small Business Environmental Council that this important legislation, affecting small businesses in Wisconsin, becomes law.

Sincerely,



Carl T. Komassa, Chair Small Business Environmental Council

Clean Air Act Compliance Incentive Program Offered to Baking Companies

In partnership with the baking industry, EPA is currently inviting baking companies to participate in a voluntary compliance incentive program intended to reduce environmental and public health threats to the earth's ozone layer. EPA investigations suggest that some large commercial bakeries are leaking ozone depleting substances (ODS), including chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFC's) in amounts greater than allowed under the Clean Air Act.

The ozone layer lies in the stratosphere, approximately 10-25 miles above the earth. Depletion of this layer by ODS will lead to higher ultraviolet radiation levels, which in turn will cause increased skin cancers and cataracts and potential damage to some marine organisms, plants and plastics. Under the compliance incentive program, bakeries will audit certain appliances and phase out some industrial process refrigeration appliances in exchange for reduction of penalties. Bakeries are eligible to participate if they are not already the subject of a national enforcement investigation or action and have industrial process refrigeration appliances containing 50 pounds or more of ODS refrigerants.

Companies must notify EPA by April 26, 2002 of their intent to participate in this voluntary program and identify the number of appliances to be audited thereafter. Participating companies must agree to phase out use of the more hazardous ozone depleting substances by **July 15, 2003**, reflecting that use of these substances is being rapidly phased out under existing rules. Bakeries that have installed non-ODS systems before April 26, 2002, can avoid all penalties under this agreement.

Bakeries that install non-ODS systems after April 26, 2002, and before July 15, 2004 (unless an extension is granted), are subject to penalties not to exceed \$10,000 per appliance.

For all other appliances, there will be a per pound penalty for any leaks crossing a high threshold.

Further details are available at:

<http://www.epa.gov/fedrgstr/EPA-AIR/2002/February/Day-06/a2837.htm>.

For additional information on the Bakery Partnership Program contact Charles Garlow at:

202/564-1088 or garlow.charlie@epa.gov

Or visit:

<http://www.epa.gov/oeca/ore/aed/ozone/bakery/index.html>

D.C. Circuit Court Upholds Clean Air Standard *(Cont. from pg. 4)*

the U.S. Chamber of Commerce and other state and business groups. In February 2001, the Supreme Court upheld EPA's authority under the Clean Air Act to set national air quality standards that protect the American public from harmful effects of air pollution. The March 26, 2002 decision rejected the remaining claims that EPA's decision was arbitrary and capricious and not supported by evidence.

What Does This Mean for Wisconsin?

In a nutshell it means that the rules developed in 1997 (8 hour ozone standard) can now move forward. More stringent pollution control requirements will be in place for Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha counties. Counties "on the bubble" - Jefferson, Rock and Walworth may also become "non-attainment." This coming year's ozone season will be crucial in determining what counties are non-attainment. For more info contact the SBCAAP or visit:

www.dnr.state.wi.us/org/aw/air/hot/index.htm or www.epa.gov/epahome/newsroom.htm

(Article taken from EPA's Headquarters Newsroom published 3/26/02)

Lead and TRI Reporting

Many companies that have not had to file Toxics Release Inventory (TRI) reports in the past will have to in 2002 because of changes in the reporting rules for lead. July 1, 2002 is the deadline to submit your TRI report. This is a Federal requirement for companies using or handling lead. Companies that have missed TRI deadlines in the past have faced substantial penalties. Do not wait until June 30 to begin working on your report!

The new rules apply to companies that handled more than 100 pounds of lead or lead compounds during any calendar year, starting in 2001. That is a substantial reduction from the old rules, which started at 10,000 pounds. Many companies in several industry sectors use lead in some form. Under new rules, all sources of lead count, no matter how low the concentration may be.

The National Metal Finishing Resource Center (NMFRC) has developed a simple, plain language introduction to the new lead reporting rules. You can also find a number of examples developed specifically for the metal finishing industry. But even if you are not a metal finisher, the general introduction to the rules might be a good place to start. You can find the resource at <http://www.nmfrc.org/tri.cfm>.

The NMFRC has also added three new "Ask the Expert" features. Anyone is free to submit questions in the topic areas, and to view archives of recent answers. The three new topic areas are: Hard Chromium Plating, Wastewater Treatment, and Toxics Release Inventory (TRI) reporting. You can find links to the Expert question forms, the archives, and information on the Experts' experience and qualifications on the NMFRC home page, at <http://www.nmfrc.org>

Air Quality Index (Continued from back page)

determine whether air pollution is reaching an unhealthy level in your area. For the 2002 season, the DNR and ALA-WI are working to get additional media outlets to pick up the AQI and Ozone Mapping.

Currently, national media outlets are picking up the information. USA Today and the Weather Channel, the DNR and ALA-WI are hoping to have more local media stations use this valuable service.



For the latest air monitoring levels, call the Department of Natural Resources Air Quality Index Hotline at 1-866-DAILY AIR.

For more information on protecting yourself from ozone pollution, call the American Lung Association at 1-800-LUNG-USA, or visit their web site at <http://www.lungusa.org>.

Also, visit the EPA's web site at <http://www.epa.gov/airnow> for information on ozone mapping, the AQI and more.

AIR QUALITY INDEX

What's new for the 2002 Ozone season?

The Wisconsin Department of Natural Resources (WDNR) and the American Lung Association of Wisconsin (ALA-WI) and members of Wisconsin Partners for Clean Air, will expand their Air Quality Index and Ozone Mapping outreach to media outlets in the northeast and south central regions of the state.

The Air Quality Index (AQI) is a method for reporting daily air quality. It tells you how clean or polluted your air is and highlights associated health concerns. The AQI focuses on health effects that can happen within a few hours or days after breathing polluted air. EPA uses the AQI for five major air pollutants regulated by the Clean Air Act: ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. For each of these pollutants, EPA has established national air quality standards to protect against

harmful health effects. The purpose of the AQI is to help you understand what local air quality means to your health.

To make the AQI easy to understand, EPA has divided the AQI scale into six categories with a corresponding color and health concern:

Green = Good (0-50)

Yellow = Moderate (51-100)

Orange = Unhealthy for Sensitive Groups (101-150)

Red = Unhealthy (151-200)

Maroon = Very Unhealthy (201-300)

Brown = Hazardous

You may see the AQI reported in the newspaper, or on television. The great thing about the scale is that it can help you rapidly

(cont'd page 7)

WISCONSIN DEPARTMENT OF COMMERCE

The Small Business Clean Air Advisor is published by the Wisconsin Department of Commerce, Philip Edw. Albert, Secretary. To obtain free copies or to be placed on the mailing list, contact:

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